



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-3503 FAX (603) 271-5171



November 3, 2003

LETTER OF DEFICIENCY #WSEB 03-286
Certified Mail # 7099 3400 0003 0691 0423

Jean Lord
Bedford Village Shops
c/o REI Svcs Corp
1779 Elm Street
Manchester, NH 03110

Subject: Bedford - Public Water System: Bedford Village Shops (EPA# 0196180)

Dear Ms. Lord:

The records of the NH Department of Environmental Services (DES) show that Bedford Village Shops water system is classified as a public water system (PWS), as defined by RSA 485:1-a. A PWS is defined as any water system supplying 15 or more services, or 25 or more people for 60 or more days per year. As such, the water system owner is required to submit chemical samples according to the system's established sampling schedule to the State laboratory or a State-certified laboratory in compliance with NH Administrative Rule Env-Ws 327. Pursuant to Env-Ws 351, the failure to submit a chemical sample within the assigned sampling quarter requires that public notice of such failure be given to all consumers.

DES records show that the subject water system failed to submit the following chemical sample result for the following monitoring period (calendar quarter).

Second Quarter ("Q2") of 2003
Methyl tertiary-Butyl Ether ("MtBE")

As a result, of the failure to submit the above-described Q2-2003 sample, a Notice of Violation (NOV), dated August 1, 2003, was sent to you (copy enclosed). The NOV requested that you immediately submit the Q2-2003 sample as a make-up sample. To date, DES has not received the make-up sample result, thus placing the water system in violation of Env-Ws 327. In addition, the NOV requested you to perform public notice concerning the Q2-2003 MtBE sampling violation. To date, no proof of public notice has been received by DES, thus placing the water system in violation of Env-Ws 351. DES acknowledges receipt of the Q3 and Q4-2003 MtBE sample results.

DES believes the monitoring/reporting deficiencies can be addressed by taking the following actions:

1. **By November 17, 2003**, submit an MtBE "make-up sample" to the State laboratory or a State-certified laboratory. Please use the enclosed analysis result form when submitting the sample to your laboratory; and

- 2 By November 24, 2003, provide proof of public notice to DES concerning the Q2-2003 MtBE sampling violation, as specified on the enclosed form.

In the event compliance is not achieved within this period, DES may take further enforcement action. These actions include issuing an order requiring the deficiencies to be corrected, initiating an administrative fine proceeding, and/or referring the matter to the NH Department of Justice for imposition of appropriate penalties.

The proof of public notice as requested above should be addressed as follows or faxed to (603) 271-5171:

Betsey McNaughten
Department of Environmental Services
Water Supply Engineering Bureau
6 Hazen Drive, PO Box 95
Concord, NH 03302-0095

Please contact Betsey McNaughten (603) 271-0659 or by email at emcnaughten@des.state.nh.us, if you have any questions regarding this letter.

Sincerely,

COPY

Anthony P. Giunta, P.G., Administrator
Water Supply Engineering Bureau

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Encls: Notice of Violation, dated August 2003
Analysis Request Form
Public Notice Form

cc Gretchen Rule, DES Legal Unit (w/o encl.)
Wayne Richardson, Town of Bedford Health Officer (w/o encl.)
William Houser, Sampling Agent
Jeanne D. Lawson, DES WSEB
EPA, Region 1 (w/o encl.)